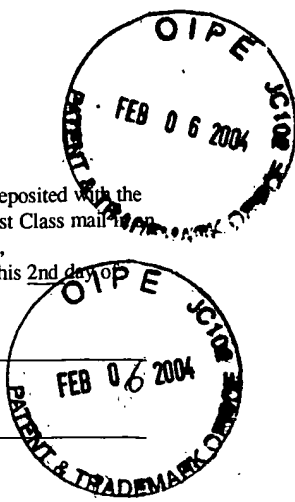


CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U. S. Postal Service, with sufficient postage as First Class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on this 2nd day of February, 2004.

(Print Name) Lori Yaneff

(Signature) *Lori Yaneff*



Customer Number

24024

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Zapushek

Serial No.: 09/780,536

Filed: February 12, 2001

For: PIN LOCKING DEVICE & METHOD
OF LOCKING

Attorney Docket No.: 27475/04679

Art Group: 3676

Examiner: S. Barrett

Confirmation No.: 8389

RECEIVED

FEB 11 2004

GROUP 3600

TRANSMITTAL OF PETITION TO WITHDRAW HOLDING OF ABANDONMENT
BASED ON FAILURE TO RECEIVE OFFICE ACTION

Mail Stop Petition
Commissioner of Patents
Alexandria, Virginia 22313-1450

Transmitted herewith are the following:

1. Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action;
2. Copy of Notice of Abandonment mailed January 7, 2004;
3. Copy of Revocation of Attorney and Appointment of New Attorney;
4. Statement of Facts in support of petition; and
5. Return Receipt Postcard.

It is believed that no further fee is required relating to the filing of these documents. If this is not the case, the Patent Office is hereby authorized to charge any related fee to Deposit Account No. 03-0172. A duplicate copy of this sheet is attached.

Respectfully submitted,

Date: 2/2/04

By: *Douglas B. McKnight*

Douglas B. McKnight, Reg. No. 50,447
216/622-8559



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/780,536	02/12/2001	John B. Zapushek	2499-238	8389

20582 7590 01/07/2004

PENNIE & EDMONDS LLP
1667 K STREET NW
SUITE 1000
WASHINGTON, DC 20006



EXAMINER

BARRETT, SUZANNE LALE DINO

ART UNIT PAPER NUMBER

3676

DATE MAILED: 01/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

? TENS OUT.

JAN 00 2004

RECEIVED
FEB 11 2004
GROUP 3600

Case Number	Ctry	Sub Case	Action Due	Due Date
2747504679	US		RE: NTC OF AB RECD 1/19/04	01-Feb-2004

Action STATUS CHECK
Type:

RECEIVED
JAN 19 2004
IP. DEPT.

DOCKETED

JAN 20 2004

T.L.B. IP. Dept.

Verified: PTO-90C (Rev. 10/03)

SW

Notice of Abandonment	Application No.	Applicant(s)	
	09/780,536	ZAPUSHEK, JOHN B.	
	Examiner	Art Unit	
	Suzanne Dino Barrett	3676	


-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 6/23/03.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

- Interview Summary attached.

RECEIVED
JAN 19 2004
IP. DEPT.


Suzanne Dino Barrett
Primary Examiner
Art Unit: 3676

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Interview Summary	Application No.	Applicant(s)	
	09/780,536	ZAPUSHEK, JOHN B.	
	Examiner	Art Unit	
	Suzanne Dino Barrett	3676	

All participants (applicant, applicant's representative, PTO personnel):

(1) Suzanne Dino Barrett. (3)_____.

(2) Doug McKnight (app. rep.). (4)_____.

Date of Interview: 05 January 2004.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.
If Yes, brief description: _____.

Claim(s) discussed: _____.

Identification of prior art discussed: _____.

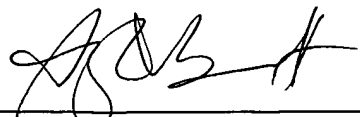
Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Mr. McKnight was informed that no response had been received to the Office action of 6/23/03. It was discovered that the new power of atty and address change filed with the amdt of 3/31/03 was not received/processed by the PTO and consequently the office action of 6/23/03 was mailed to the previous atty at Pennie & Edmonds. Mr. McKnight will submit a Petition to Withdraw the Holding of Abandonment.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.



Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR § 1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

CERTIFICATE OF MAILING

I hereby certify that this document is being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner For Patents, Washington, D.C. 20231, on this 20th day of May, 2002.

Signed: _____

Print Name: _____

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**REVOCATION OF POWER OF ATTORNEY AND
APPOINTMENT OF NEW ATTORNEY**

Assistant Commissioner for Patents
Washington, D.C. 20231

Master Lock Company, as assignee of the entire right, title and interest of the identified patent and patent applications listed in Schedule A, hereby revokes all powers of attorney previously given and hereby appoints the attorney(s) associated with Customer Number 24024 to transact all business in the United States Patent and Trademark Office in connection with the patents and patent applications listed in Schedule A.

Please send all correspondence in connection with these patent and patent applications to:

Douglas B. McKnight, Esq.
Calfee, Halter & Griswold LLP
800 Superior Avenue Suite 1400
Cleveland, Ohio 44114-2688.

Please direct all telephone calls in connection with these patent and patent applications to:

Douglas B. McKnight, Esq.
(216) 622-8559

Vice President Fiance

I, Richrad J. Kolaczewski, & Controller of Master Lock Company, declare that all statements made herein of my own knowledge are true, and that all statements made herein on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements and the like may jeopardize the validity of this patent.

MASTER LOCK COMPANY

Date: April 1, 2002

By: 

Name: Richard J. Kolaczewski

Title: Vice President Finance & Controller

SCHEDULE A

PATENTS

<u>Patent No.</u>	<u>Issue Date</u>	<u>CH&G Docket No.</u>	<u>P&E Docket No.</u>
4,671,549	June 9, 1987	27475/04974	5741-005
4,561,684	December 31, 1995	27475/04973	5741-004
4,550,939	November 5, 1985	27475/04975	5741-003

PENDING APPLICATIONS

<u>Appln. No.</u>	<u>Filing Date</u>	<u>C,H&G Docket No.</u>	<u>P&E Docket No.</u>
09/780,536	February 12, 2001	27475/04679	2499-238
29/141,204	May 1, 2001	27475/04179	2499-173

Mailed to the Patent and Trademark Office with sufficient postage, as first class mail, with sufficient postage, in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on this 20th day of May, 2002.

In re Applications of Master Lock Company

For: See Attached Schedule A

Our Ref. No.: 27475/04974, 04973, 04975, 04679 & 04179

Please acknowledge receipt of:

- Return Receipt Postcard
- Executed Revocation of Power of Attorney and Appointment of New Attorney (2 pages)
- Schedule A (1 page)

DBM/dky

RECEIVED
FEB 11 2004
GROUP 3600

Mailed to the Patent and Trademark Office with sufficient postage, as first class mail, with sufficient postage, in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on this 20th day of May, 2002.

In re Applications of Master Lock Company

For: See Attached Schedule A

Our Ref. No.: 27475/04974, 04973, 04975, 04679 & 04179

Please acknowledge receipt of:

- Return Receipt Postcard
- Executed Revocation of Power of Attorney and Appointment of New Attorney (2 pages)
- Schedule A (1 page)

DBM/dky

274141204

